

REMARKS

Claims 13-32 were presented for examination in the present application. Claims 13-32, which include independent claims 13, 18, and 27, are presented for consideration upon entry of the instant amendment.

Claims 2 and 9 were cancelled during prosecution of the parent PCT application, upon which the present application claims priority. Thus, claims 2 and 9 were not intended for presentation in the present application. In the interest of clarity, the instant amendment cancels claims 2 and 9 without prejudice. Reconsideration and withdrawal of the objection to claim 2 are respectfully requested.

Claim 13 has been amended to correct an obvious error, namely to include "said" before the "plunger" element.

Claims 2, 9, and 13-32 were rejected under 35 U.S.C. §102 over U.S. Patent No. 6,241,709 to Bechtold et al. (Bechtold).

Applicant submits that the rejection of claims 2 and 9 is moot as these claims have been cancelled. Reconsideration and withdrawal of the rejections to claims 2 and 9 are respectfully requested.

Applicant wishes to thank the Examiner for her time on July 27, 2006 to review the rejection of the present application over Bechtold in greater detail than provided in the Office Action. The rejections of claims 13 and 15 over Figures 1-4 of Bechtold were reviewed.

With respect to claims 13 and 15, the Examiner clarified the rejection as follows: the "pushrod 14" of Bechtold is asserted as reading on the claimed "plunger"; the "detent element 46" of Bechtold is asserted as reading on the claimed "first engaging member"; the un-numbered connection between "pushrod 14" and "plunger 23" of

Bechtold is asserted as reading on the claimed "coupling"; the "recess 48" of Bechtold is asserted as reading on the claimed "second engaging member"; the "cocking spring 11" of Bechtold is asserted as reading on the claimed "first spring"; the direction opposite to the unnumbered directional arrow in Figure 2 of Bechtold is asserted as reading on the claimed "first direction"; the "proximal end 20p" of Bechtold is asserted as reading on the claimed surface; the unnumbered directional arrow in Figure 2 reads on the claimed "second direction"; and the "spring 26" of Bechtold is asserted as reading on the claimed "second spring".

Applicant respectfully submits that even with the above "clarifications" to the original Office Action, the Office Action has failed to meet the burden of establishing a prima facie case of anticipation of claims 13-32. Thus, it is respectfully submitted that the outstanding Office Action has not set forth the rejections with sufficient clarity as required by 37 C.F.R. §1.104 to meet the burden for anticipation.

Rather, Applicants submit that Betchold is far afield of the present invention.

Bechtold is directed to an injection device that can administer a number of injections from the contents of a container in the injection device so that patients with certain diseases can give themselves a series of regular injections from the same syringe. To do so, Bechtold discloses a complex toothed pushrod combined with two ratchet mechanisms and a number of precisely located housing recesses.

Applicant respectfully submits that the complex combination of ratchets, springs, and recesses of Bechtold does not disclose or suggest the simple solution provided by the present invention.

Independent claim 13 requires, in pertinent part, "a first spring acting on said coupling to urge said plunger in a first direction until said coupling contacts a surface". Thus, claim 13 requires that the spring act on the coupling and the coupling to contact the surface.

In Bechtold, the spring 11 acts on the shoulder 44 of the drive mechanism 35. Clearly, the drive mechanism 35 does not make contact with any surface. Further, Bechtold discloses a retainer 17, in which the medicine container 12 is received, that includes a projection 18 that abuts against the proximal end 20p of the recess 20 of housing 15. Clearly, spring 11 does not act on retainer 17.

Therefore, Applicant submits that the complex system of Bechtold simply fails to disclose or suggest the simple coupling that is both acted on by the spring and contacts the surface of claim 13. Claim 13, as well as claims 14-17 that depend therefrom, are believed to be in condition for allowance. Reconsideration and withdrawal of the rejection to claims 13-17 are respectfully requested.

Dependent claims 14-17 are also believed to distinguish over Bechtold.

For example, dependent claim 16 further recites that the second spring moves "said first chamber and said needle in said second direction once said first and second engaging members are released from one another".

Applicant submits that spring 26 of Bechtold simply can not move the first chamber and the needle in the second direction as claimed. Rather, spring 26 of Bechtold merely bias the ratchets 27 and 38, but simply can not move the needle. Therefore, Applicant submits that Bechtold fails to disclose or suggest claim 16.

Dependent claim 17 further recites "a damper pad". Bechtold discloses that projection 18 abuts against the proximal end 20p. However, Bechtold simply fails to disclose or suggest a damper pad as claimed.

Independent claim 18 recites, in part, "a first engaging member being defined on said plunger", a coupling having "a second engaging member", where the first and second engaging members are "engaged to one another when said coupling is in said

closed position" and "disengaged from one another when said coupling is in said open position".

Applicants submit that no part of Bechtold can be considered to be a coupling that moves between an open and closed position as claimed.

Further, independent claim 18 recites, in part, "a coupling being disposed between said first spring and said plunger" and "a surface being defined in said housing for moving said coupling from said closed position to said open position" (emphasis added).

Again, Bechtold discloses a spring 11 that acts on the shoulder 44 of the drive mechanism 35 and a retainer 17 with a projection 18 that abuts against the proximal end 20p of the recess 20. Clearly, drive mechanism 35 does not move between an open and closed position, nor does it contact end 20p. Further, retainer 17 is clearly not between spring 11 and pushrod 14.

Therefore, Applicant submits that the complex system of Bechtold simply fails to disclose or suggest the simple coupling of claim 18. Claim 18, as well as claims 19-26 that depend therefrom, are believed to be in condition for allowance. Reconsideration and withdrawal of the rejection to claims 18-26 are respectfully requested.

Dependent claims 19-26 are also believed to distinguish over Bechtold.

For example, dependent claim 19 requires that the surface "slopes radially away from said plunger (emphasis added)". Bechtold's proximal end 20p Bechtold clearly fails to disclose or suggest the claimed slope.

Dependent claim 21 requires that the second engaging member is a lip and that the lip is "circumferentially defined on an inner face of said coupling (emphasis added)". Bechtold's ratchets 27 and 38 are clearly not circumferentially defined.

Dependent claim 22 recites that the coupling further comprises "a plurality of openable portions having said second engaging member thereon". Bechtold's ratchets 27 and 38 clearly do not have a plurality of openable portions.

Dependent claim 24 further includes "a second spring for driving said syringe assembly from said extended position to said retracted position after said coupling is moved to open position". Bechtold's springs 26 simply can not retract the syringe assembly.

Dependent claim 25 further includes "a damper pad". Bechtold merely discloses that projection 18 abuts against the proximal end 20p. However, Bechtold simply fails to disclose or suggest a damper pad.

Independent claim 27 recites, in part, "a coupling being disposed between said first spring and said plunger" and "a surface being defined in said housing for moving said coupling from said closed position to said open position" (emphasis added).

Applicants submit that no part of Bechtold can be considered to be a coupling that moves between an open and closed position as claimed.

Moreover, Bechtold discloses a spring 11 that acts on the shoulder 44 of the drive mechanism 35 and a retainer 17 with a projection 18 that abuts against the proximal end 20p of the recess 20. Clearly, drive mechanism 35 does not move between an open and closed position, nor does it contact end 20p. Further, retainer 17 is clearly not between spring 11 and pushrod 14.

Therefore, Applicant submits that the complex system of Bechtold simply fails to disclose or suggest the simple coupling of claim 27. Claim 27, as well as claims 28-32 that depend therefrom, are believed to be in condition for allowance. Reconsideration and withdrawal of the rejection to claims 27-32 are respectfully requested.

Dependent claims 28-32 are also believed to distinguish over Bechtold.

For example, dependent claim 28 requires that the surface "slopes radially away from said plunger (emphasis added)". Bechtold's proximal end 20p Bechtold clearly fails to disclose or suggest the claimed slope.

Dependent claim 30 further includes "a second spring for returning said syringe assembly to said first position after said coupling is moved to open position". Bechtold's springs 26 simply can not return the syringe assembly to the first position.

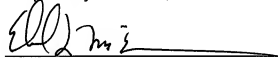
Dependent claim 31 further includes a damper pad. Bechtold merely discloses that projection 18 abuts against the proximal end 20p. However, Bechtold simply fails to disclose or suggest a damper pad.

In view of the above, it is respectfully submitted that the present application is in condition for allowance. Such action is solicited.

In the alternative, it is submitted that any action finally rejecting claims 13-32 over Bechtold alone would be premature in light of the first Office Action's failure to present a ***prima facie*** case of anticipation.

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Respectfully submitted,



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